ORDINANCE NO. 2019-037

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A QUITCLAIM DEED FOR THE PURPOSE OF ABANDONING THE TOWN'S INTEREST IN A PUBLIC UTILITY AND DRAINAGE EASEMENT WITHIN LOT 2A-2, BLOCK 2, THE MEADOWS FILING NO. 20, PHASE 1, AMENDMENT 13

WHEREAS, an easement was granted to the Town for public utilities and drainage by plat recorded in the public records of Douglas County at Reception No. 2008042321 ("Easement"), which plat was subsequently amended by The Meadows Filing No. 20, Phase 1, Amendment 13 recorded in the public records of Douglas County at Reception No. 2017084363 which created Lot 2A-2, Block 2 ("Lot 2A-2");

WHEREAS, the property owner desires to construct a mixed-used building on Lot 2A-2 and in order to do so, the public utility and drainage facilities located within the Easement must be relocated;

WHEREAS, as a condition to the Town's abandonment of the portion of the Easement, the property owner, at its expense, shall remove and relocate the waterline stub out currently located within the Easement to a location approved by the Town.

NOW, THEREFORE, IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. **Abandonment.** The Town of Castle Rock hereby abandons its interest in that portion of the Easement described in the attached ***Exhibit 1***. The Mayor and other proper officials of the Town of Castle Rock are hereby authorized to execute the quitclaim deed described in the attached ***Exhibit 2*** on behalf of the Town of Castle Rock, Colorado. Recordation of the quitclaim deed is conditioned on the removal and relocation of the existing waterline stub out.

Section 2. **Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 3. **Safety Clause.** The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING the 5th day of November, 2019 by a vote of 6 for and 1 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED the 3rd day of December, 2019, by the Town Council of the Town of Castle Rock by a vote of _____ for and _____ against.

ATTEST:

_____
Lisa Anderson, Town Clerk

TOWN OF CASTLE ROCK

_____
Jason Gray, Mayor

Approved as to form:

_____
Robert J. Slentz, Town Attorney

Approved as to content:

_____
Mark Marlowe, Director of Castle Rock Water